



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Forester et al.

Examiner: TBA

Serial No. TBA

Art Unit: TBA

Filed:

For: **WAVE ANTENNA WIRELESS COMMUNICAITON DEVICE AND METHOD**

Commissioner for Patents

Washington, D.C. 20231

Sir:

22241 U.S. PTO
10/637098
08/08/03

PETITION TO MAKE SPECIAL FOR ACTUAL INFRINGEMENT

Applicant herein petitions the Director to make the above-identified application special as set forth under 37 C.F.R. §1.102(d) because of actual infringement. A credit card payment form for \$130.00 is enclosed to pay the fee associated with this Petition to Make Special, as required by 37 C.F.R. §1.17(h). If any additional fees are required in association with this petition, the Director is hereby authorized to charge them to Deposit Account 50-1732 and consider this a petition therefor.

A. Alleged Infringing Device

Michelin's RFID tag is actually on the market and infringes the present invention. Copies of articles entitled "Michelin Embeds RFID Tags in Tires" and "Michelin rolling out new electronics technology" describe Michelin's RFID tag and have been attached to this petition in Appendix A. As illustrated in the article "Michelin Embeds RFID Tags in Tires", Michelin's RFID tag includes a transponder and a wave antenna embedded in a tire.

B. Comparison of Alleged Infringing Device and the Claims of the Application

A rigid comparison of the alleged infringing device with the claims of the application has been made, and, in my opinion, some of the claims of the present application are unquestionably infringed. More specifically, in my opinion, Michelin's RFID tag unquestionably infringes at least claims 19-21, 27-29, 35-37, 40, 41, and 48-50 of the present application.

C. Search of the Prior Art

For the claimed invention, a careful and thorough search of the prior art was made in Class 343, Subclass 806 cited in the restriction requirement mailed from the U.S. Patent and

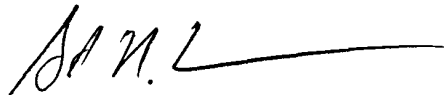
Trademark Office on December 3, 2002. Extensive Boolean searching was also conducted using various patent databases. A copy of each of the references being most closely related to the subject matter encompassed by the claims is submitted herewith in Appendix B.

Applicant herein respectfully submits this Petition to Make Special. If there are any issues relating to the petition or to the pending application, the undersigned attorney of record welcomes a telephone conference to resolve these issues in order to have the petition granted and accelerate prosecution of the application.

Respectfully submitted,

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Date: August 8, 2003
Attorney Docket: 4579-154E

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST-CLASS MAIL, IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON 8/8/03 (Date of Deposit)

Jen Garrison
Name of Depositor

Jen Garrison
Signature

8/8/03
Date of Signature